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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HOWARD L. HOWELL, Lead Plaintiff,
ELLISA PANCOE, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

JB I, INC., f/k/a 310 HOLDINGS, INC.,
JOHN BORDYNUIK, and RONALD
BALDWIN, JR.,

Defendants.

Case No. 3:11-CV-00545-RCJ-WGC

**LEAD PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR AN ORDER
AUTHORIZING THE DISTRIBUTION OF THE SETTLEMENT FUND**

PLEASE TAKE NOTICE that lead plaintiff Howard L. Howell will and hereby does move this Court for the entry of an order: (1) approving the procedures used, and actions taken by, Gilardi & Co. LLC (“Gilardi” or “Claims Administrator”) and Plaintiff’s Counsel in the administration of the Settlement as described in the Declaration of Nashira McCoy (“McCoy Declaration”) filed concurrently herewith; (2) approving the valid claims of Class Members identified in the list of the Proofs of Claim recommended for acceptance attached as Exhibit D(1) of the McCoy Declaration; (3) approving the valid but late-filed claims of Class Members identified in the list of Late, but Otherwise Valid Claims, included in Exhibit D(1) of the McCoy Declaration, as if they had been filed by the Court-ordered deadline of April 17, 2015; (4) approving the rejection of invalid claims identified in the list of Rejected or Ineligible Claims, included in Exhibit D(2) of the McCoy Declaration; (5) directing that no claim received after September 30, 2016, may be accepted for any reason whatsoever, and that no further adjustments to claims may be made for any reason after September 30, 2016; (6) directing that the entire balance of the Net Settlement Fund, after deducting the payments previously allowed and requested herein, be distributed to the Authorized Claimants in Exhibit D(1) of the McCoy Declaration based on each Authorized Claimant’s Recognized Loss in comparison to the total Recognized Losses of all Authorized Claimants; (7) directing that all distribution checks issued to Authorized Claimants bear the notation: “CASH PROMPTLY, VOID 90 DAYS AFTER ISSUE DATE”; (8) authorizing and directing that, if economically feasible, any funds remaining in the Net Settlement Fund after the initial distribution will be allocated in the second distribution to Authorized Claimants who have cashed their checks from the initial distribution, or that, if a second distribution is not economically feasible, the balance of the Net Settlement Fund will be disbursed to the designated nonprofit §501(c)(3) organization; (9) barring any

further claims against the Net Settlement Fund beyond the amount allocated to Authorized Claimants, and release and discharge from any and all claims arising out of the claims administration, all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Claims submitted herein, or otherwise involved in the administration of the Settlement Fund or the Net Settlement Fund; and (10) directing the destruction of claim forms and records in paper form one year after final distribution and the destruction of claim forms and records in electronic form three years after final distribution.

This notice of motion and motion is based upon Lead Plaintiff's Memorandum of Law in Support of Motion for An Order Authorizing the Distribution of the Settlement Fund, the McCoy Declaration, the pleadings contained within this proceeding, and upon all other information that may be presented to the Court in this matter.

Dated: April 19, 2017

GLANCY PRONGAY & MURRAY LLP

By: s/ Ex Kano S. Sams II
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PROOF OF SERVICE

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On April 19, 2017, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the District of Nevada, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 19, 2017, at Los Angeles, California.

s/ Ex Kano S. Sams II
Ex Kano S. Sams II

Mailing Information for a Case 3:11-cv-00545-RCJ-WGC Howard L. Howell, et al., v. JBI, Inc. et al

Electronic Mail Notice List

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)